

CHARTER COMMISSION
COMMITTEE ON STYLE MEETING
CITY AND COUNTY OF HONOLULU

TUESDAY, JULY 25, 2006
(RECONVENE OF MEETING RECESSED ON JULY 19, 2006)
CITY COUNCIL COMMITTEE ROOM
SECOND FLOOR, HONOLULU HALE
4:00 P.M.

MINUTES

Committee Members Present:

Jared Kawashima
Donn Takaki
Jeffrey T. Mikulina
James Pacopac

Non-Committee Commissioner Present:

Amy Hirano

Committee Members Absent

Jerry Coffee – Excused
Darolyn Lendio – Excused
Malcolm Tom - Excused

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission
Diane Kawauchi, Deputy Corporation Counsel, Department of the Corporation Counsel
Lori K. K. Sunakoda, Deputy Corporation Counsel, Department of Corporation Counsel
Dawn Spurlin, Deputy Corporation Counsel, Department of Corporation Counsel
Loretta Ho, Secretary, Charter Commission
Nicole Love, Researcher, Charter Commission

1. Call to Order

Committee Chair Jared Kawashima called the meeting to order at 4:18 p.m. on July 25, 2006. Chair Kawashima explained they are reconvening from the July 19, 2006 meeting. He explained the process of the meeting and went over housekeeping rules and stated that testimony will be limited to three minutes and must be related to the agenda.

[Note: July 19, 2006 recessed following the completion of agenda item “3. Text of Proposed Charter Amendments”.]

4. Combination of Proposed Charter Amendments for Purposes of the Ballot

Deputy Corporation Counsel Spurlin confirmed that neither affected agency had an opposition to the combining the two proposals into one ballot question.

ACTION:

Commissioner Mikulina moved to combine Proposals 33 and 36 into one ballot question. Commissioner Pacopac seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4

NOES: NONE

EXCUSED: COFFEE, LENDIO, TOM - 3

Motion passed.

**5. Wording of Ballot Questions
(See Attachment #1 – July 19 Agenda Attachment B)**

Chair Kawashima stated to the Committee they should make a decision as the outset whether they would want it in the form of a question or in the form of a phrase.

Executive Administrator Narikiyo stated there was two different ways the ballot questions were done in the past. In both 1998 and 1992 they used phrase form but have seen it in question form also.

The following individuals testified:

1. Tom Heinrich

Tom Heinrich testified he would prefer that the Committee recommend a ballot question rather than a ballot phrase. He stated there are some good examples provided in the Attachment B of the agenda where the phrase works a little better but following the discussion of the Committee on Submission and Information on Thursday of last week, he thinks it lends itself as a ballot question better for people to be able to check off "yes or no" in advance of getting their absentee ballot or at the polls. Mr. Heinrich stated the easier the assistance the Committee and Commission can give the public to trying to answer the question if it's presented, as a question would help voters getting through this in the voting booth.

Deputy Corporation Counsel Spurlin stated the rules do not restrict either form and it is at the discretion of the Committee and the Commission.

ACTION:

Commissioner Mikulina moved that the Committee phrase all of the ballot amendments as questions. Commissioner Takaki seconded that motion. Discussion followed.

Commissioner Takaki commented it is also simpler and dovetails on what the Committee on Submission and Information worked on last week as well and thinks it's a better option.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Motion passed.

Executive Administrator Narikiyo explained to the Committee that the staff drafted language and on some of the proposals there are two different alternatives.

PROPOSAL 1 - Salary Commission; Amend provision regarding Council review of Commission findings.

Chair Kawashima clarified there were two different versions of draft ballot question and then there after there are two different versions of the draft reference phrase. Executive Administrator Narikiyo stated on this particular amendment, the issue they may want to look at is the first wording says, "reject" and the second version says "veto". He goes on to say he thinks the language of the Charter proposal says, "reject" and had concerns with the use of the word "veto."

The following individuals testified:

1. Tom Heinrich

Tom Heinrich stated he agrees with the comments made by Executive Administrator Narikiyo and that the language of the question as best as possible should use the language in the proposed amendment. He suggests that version one is preferred and thinks it's truer to the point of the proposal.

Deputy Corporation Counsel Spurlin stated she agrees with Mr. Heinrich and thinks the word "veto" has a legal definition but is unable to provide the Committee that definition at this point but it has a legal definition.

ACTION:

Ballot Language Motion: Commissioner Mikulina moved to accept version one of the draft ballot question for Proposal 1 for the ballot as drafted by staff. Commissioner Pacopac seconded that motion. Discussion followed.

Commissioner Takaki asked for clarification if they could vote on the question and the phrase at the same time or do that separately? Chair Kawashima clarified they are voting on both the form of the ballot questions and the form of the draft reference phrases. He stated the question is would the Committee want to combine it into one motion or into separate motions. He stated it doesn't matter.

Commissioner Mikulina asked where would the reference phrase be on the ballot? Executive Administrator Narikiyo responded it would not be on the ballot it's something the City Clerk's office suggested and could be used in reference materials. Commissioner Takaki asked Corporation Counsel if they could vote on the ballot question and phrase together? Deputy Corporation Counsel Spurlin responded if the Commission would have issues on both then they shouldn't combine them but if they feel they say the same thing and there's no conflict then they could combine them but suggest they vote on them separately.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Ballot language passed.

Draft Reference Phrase Motion: Commissioner Mikulina moved that the draft reference phrase say, "No Council rejection of Salary Commission." Commissioner Pacopac seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Draft Reference Phrase motion passed.

PROPOSAL 5 - Elections; Eliminate the first special election when there are only two candidates for an office.

ACTION:

Ballot Language Motion: Commissioner Mikulina moved to accept the staff version for Proposal 5 ballot question. Commissioner Pacopac seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Ballot language passed.

Draft Reference Phrase Motion: Commissioner Mikulina moved to accept the staff version of the draft reference phrase for Proposal 5. Commissioner Pacopac seconded that motion. No discussion followed.

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AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Draft Reference Phrase motion passed.

PROPOSAL 27 - Liquor Commission and Civil Service; Exempt Liquor Control Administrator and Deputy Administrator from civil service.

Executive Administrator Narikiyo noted the Committee adopted the Corporation Counsel's proposed new language at its July 19, 2006 meeting. He stated the Committee may want to review the language as it made some changes and may affect their review of the ballot question.

The following individuals testified:

1. Tom Heinrich

Tom Heinrich testified thinks it would be sufficient if it was reduced to just the Liquor Control Administrator and others in reference to the ballot question materials because the Committee is trying to summarize everything for the ballot. He feels in that regard that it would be sufficient just to refer to just the lead Administrator and whoever else is referred to in the full proposal.

Deputy Corporation Counsel Spurlin stated from her personal prospective she would prefer that the ballot question pick up the main components of the proposal so that someone who doesn't read all the ballot information will know what they are voting for. She stated she agrees with Mr. Heinrich's position but she stated she is concerned there are voters who do not read all the information and only read what's on the ballot but that would be up to the Committee. Chair Kawashima asked Deputy Corporation Counsel Spurlin with respect to the particular proposal would she be in favor to include the Secretary position? Deputy Corporation Counsel Spurlin responded yes. Commissioner Takaki asked Deputy Corporation Counsel Spurlin how she would word the draft ballot question? Deputy Corporation Counsel Spurlin asked Chair Kawashima to read the draft ballot question. Chair Kawashima read, "Should the Liquor Control Administrator and Deputy Administrator be exempt from civil service provisions?" Deputy Corporation Counsel Spurlin stated to add the words "and Secretary." Commissioner Takaki then asked what about version two, which goes into further, detail and adds, "Should the Liquor Commission appoint and set the salary of the Administrator?" Deputy Corporation Counsel Spurlin stated to include the setting of the salary because that is new and that's the main change. She would include the appointment and the salary. Commissioner Takaki clarified Deputy Corporation Counsel Spurlin would prefer version two but to include "Secretary". Deputy Corporation Counsel Spurlin responded in the affirmative.

Deputy Corporation Counsel Sunakoda asked the Committee to defer this proposal and move on to the next while Corporation Counsel reviewed the approved language of the proposal passed by the Committee on July 19, 2006.

PROPOSAL 28 - Ethics Commission; Allow the Ethics Commission to impose civil fines.

The following individuals testified:

1. Tom Heinrich

Tom Heinrich testified he prefers the version two which refers to “standards of conduct” is preferable to “ethics” because that is the phrase that is used in the proposal. He commented in his earlier testimony for Proposal 27, he would prefer that “secretary” be identified in the draft ballot question. He stated in 2004 one of the Charter question was “placing the Neighborhood Commission office staff into the civil service”. Staff was not specified and was very confusing in some respect because the question was how many positions would that entail.

Executive Administrator Narikiyo commented at the July 19, 2006, the Committee adopted a change recommended by Corporation Counsel that they change the word “officials” to “officers”.

Deputy Corporation Counsel Sunakoda echoed the comments made by Executive Administrator Narikiyo with respect to change the word “officials” to “officers”.

ACTION:

Ballot Language Motion: Commissioner Mikulina moved to approve draft ballot question version one of Proposal 28 and changing “officials” to officers. Commissioner Takaki seconded that motion. Discussion followed.

Commissioner Mikulina clarified the reason he chose this particular version is because the word “ethics” to the public makes more sense than the words “standards of conduct”. He stated most people know what “ethics” are and thinks “standard of conduct” is a little bit cumbersome.

Commissioner Takaki asked Corporation Counsel if they had any comments on “ethics” versus “standard of conduct”? Deputy Corporation Counsel Sunakoda commented there are no legal concerns and would leave it up to the Committee to make that decision.

Commissioner Pacopac asked Corporation Counsel if “ethics” and “standards of conduct” are viewed as the same? Deputy Corporation Counsel Sunakoda responded “standards of conduct” is specifically defined in the charter. Commissioner Pacopac commented “ethics” was not defined in the charter. Deputy Corporation Counsel Sunakoda she would agree. She asked the Committee to defer this proposal so that Corporation Counsel could do research and respond.

BALLOT LANGUAGE DEFERRED

Corporation Counsel asked the Commission to return to Proposal 27.

PROPOSAL 27 - Liquor Commission and Civil Service; Exempt Liquor Control Administrator and Deputy Administrator from civil service.

Deputy Corporation Counsel Spurlin stated at the last Committee on Style meeting Proposal 27 was revised to include the authority to set the salary of the Administrator, so that needs to come out. Deputy Corporation Counsel Spurlin stated she has reservations as Deputy Corporation Counsel Kawauchi who was not present at the meeting. There is an additional provision to classify each of the positions by position classification plan. She went on to say she doesn't know whether or not Deputy Corporation Counsel Kawauchi would like this to be part of the ballot question. She suggested that the Committee may want to pass the ballot question out to move it out and Corporation Counsel could provide additional comments and if Deputy Corporation Counsel Kawauchi has any more recommendations before the next meeting. Deputy Corporation Counsel Spurlin stated version two would be incorrect and they would need to review version one and Deputy Corporation Counsel Kawauchi deleted the word "Control" because the last proposal did not use the words "Liquor Control Administrator" it says "Liquor Administrator". Chair Kawashima clarified Deputy Corporation Counsel Spurlin is recommending the Committee votes on the first proposal, deleting the word "Control" and adding the word "Secretary"? Deputy Corporation Counsel Spurlin responded yes and if Deputy Corporation Counsel Kawauchi has revisions or recommendations, she can do an additional submittal before the Committee's next meeting. Chair Kawashima clarified to take out the word "Control" also from the draft ballot phrase? Deputy Corporation Counsel Spurlin responded in the affirmative and to add "Secretary".

ACTION:

Ballot Language Motion: Commissioner Takaki moved draft ballot question version one revised to say, "Should the Liquor Administrator, Deputy Administrator and Secretary be exempt from civil service provisions?" Commissioner Pacopac seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Ballot language passed.

Draft Reference Phrase Motion: Commissioner Mikulina moved that draft reference phrase for Proposal 27 read, "Liquor Administrator exempt from civil service." Commissioner Pacopac seconded that motion. No discussion followed.

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AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Draft Reference Phrase motion passed.

❖ **Ballot Combination of Proposals 33 and 36:**

- ❖ **PROPOSAL 33** - Department of Emergency Services; Revise the Powers, Duties and Functions of the Director and the Department.
- ❖ **PROPOSAL 36** - Fire Chief; Revise the Powers, Duties and Functions of the Fire Chief and the Fire Department.

Deputy Corporation Counsel Spurlin testified the ballot question would have to identify the duties that are not in the Charter currently. She stated she doesn't know how they could do it without being too wordy. Commissioner Takaki asked Deputy Corporation Counsel Spurlin if they could do it similar as they would the Housekeeping proposals? He suggested the draft ballot question would be, "Should the following amendments be adopted? A – Revise the description of the Powers, Duties and Functions of the Director of Emergency Service, and B – Revise the Powers, Duties and Functions of the Fire Chief. Commissioner Pacopac commented they would have to state what the changes are. Commissioner Takaki asked Deputy Corporation Counsel Spurlin if she would have the same objection to the Housekeeping amendments? Deputy Corporation Counsel Spurlin responded there was an issue whether or not these proposal were housekeeping or revisions and stated she believes these were revisions and the form used in Proposal S-9 might be more acceptable. Then they would have to identify what the additional duties and functions are.

Commissioner Takaki stated the Committee should move on to the next proposal to give the Researcher and Corporation Counsel more time to research.

BALLOT LANGUAGE DEFERRED

PROPOSAL 34 - Budget; Administration and enforcement of the executive capital budget ordinance -- lapse in 12 rather than 6 months.

ACTION:

Ballot Language Motion: Commissioner Mikulina moved to accept the staff version of the draft ballot question for Proposal 34. Commissioner Pacopac seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE

EXCUSED: COFFEE, LENDIO, TOM - 3

Ballot motion passed.

Draft Reference Phrase Motion: Commissioner Mikulina moved that the draft reference phrase for Proposal 33 read, "Extend time for capital funds." Commissioner Pacopac seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Draft Reference Phrase motion passed.

PROPOSAL 55 - Term Limits and Staggered Terms; Re term limits and staggered terms for Councilmembers.

Executive Administrator Narikiyo clarified there are two parts to this question.

Deputy Corporation Counsel Spurlin testified she's does not have any comments and that is what they agreed to and she's uncomfortable changing any of the language. Chair Kawashima asked Corporation Counsel with respect to part two, there's a draft ballot question as drafted earlier which the Committee previously voted on that precise language and then there's a shorter version and asked for their comments as to if they voted in favor of the shorter version? Deputy Corporation Counsel Spurlin stated her concern is whether or not the intent is clear in either version, is it they are changing it or eliminating. She goes on to say a voter may think the Council term limit is being changed but think in essence its being eliminated? Chair Kawashima responded yes. Deputy Corporation Counsel Spurlin asked if it was a correct representation of the actual Charter proposal? Commissioner Takaki commented what's being eliminated in one alternative and changed in the other. Deputy Corporation Counsel Spurlin asked would the current system of staggered Council terms be eliminated and be changed to either "Alternative A or Alternative B"? Chair Kawashima asked Deputy Corporation Counsel Spurlin if she sees a problem if the Committee chose the shorter version which is version two today although they approved the longer version one's exact language. Deputy Corporation Counsel Spurlin responded yes. Commissioner Takaki commented the full Commission might ask about actual language longer version that the full Commission voted on. Deputy Corporation Counsel Spurlin stated the Committee's report is going to be purely recommendation so if the Committee votes to change it, they should state the reasons why.

ACTION:

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PART 1 - Ballot Language Motion: Commissioner Takaki moved that the Committee moves forward with the original ballot question which say “as drafted earlier” and was originally passed by the full Commission. Commissioner Pacopac seconded that motion. Discussion followed.

Commissioner Takaki commented because the Proposal is complicated, this is one of the few ones where they want to make sure the full Commission says anything if they really want to change it or if not to go with what they originally passed. Commissioner Pacopac commented he thinks what Corporation Counsel stated it's not very clear and may have to revise the question again. He sated he doesn't know if they should state the current system of staggered Council terms be eliminated and thinks what they are trying to do and then the Council term limits be changed and without the word “eliminated” it's not very clear and agrees with Corporation Counsel. Chair Kawashima asked Commissioner Pacopac for clarification would he prefer to wait for the full Commission to make that change? Commissioner Pacopac responded unless the Committee could make that change. Commissioner Mikulina stated he agrees with what has been said already and the challenge is for the voter to read the ballot question and make think their choice is either “A or B”. Commissioner Mikulina went on to say he wants voters to understand it's a two-part question.

Chair Kawashima asked the Committee members present if they would like to work on that language now or would they like to leave it to the full Commission? He stated as the Committee on Style it's their responsibility to come up with the recommendation. The Committee members present agreed. Commissioner Takaki commented the Committee needs to vote on the motion that is on the floor first and if they want to make another motion they would. Executive Administrator Narikiyo clarified they could continue their discussion and brainstorm and if they come up with something they could move to amend the original motion.

Chair Kawashima asked Corporation Counsel if they have any recommended language for the Committee? Deputy Corporation Counsel Spurlin responded not at the moment. She stated they could defer this Proposal and move on to the next Proposal or prior to the next Commission meeting with the understanding they would notify the Commission because of the complexity of the issues it was referred back to Corporation Counsel for suggested revision so it's clear that they are not just changing the language. Executive Administrator Narikiyo noted to Chair Kawashima the Committee on Style could have another meeting before the next full Commission meeting in August. He went on to say he agrees those are very difficult and important issues and if the Committee does not feel comfortable in completing it today they could either wait for the full Commission or reconvene prior to the full Commission meeting.

Deputy Corporation Counsel Spurlin recommended if the Committee would like to meet again, she felt for Proposal 33 she would like to make it clear what the additional duties and function are so there is no conflict with Proposal 36. Chair Kawashima stated the Committee would do that as he feels the Committee doesn't feel comfortable to change Proposals 33, 36 or 55. Commissioner Takaki clarified the Committee would have to have another meeting before the full Commission meeting? Executive Administrator Narikiyo responded if the Committee wants to resolve the issue, the Committee would have to meet

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unless the Committee decides to have the full Commission to deal with it. Commissioner Pacopac added if the Committee cannot meet then Corporation Counsel could report their findings to the full Commission meeting. Commissioner Takaki asked if they could make the final vote at the full Commission meeting? Executive Administrator Narikiyo responded yes as long as it's on the agenda. Chair Kawashima stated he would prefer to have another meeting because it is their job and that's what they were tasked to do and go back with recommendations to the full Commission.

***BALLOT LANGUAGE DEFERRED**

PROPOSAL 71 - Department of Environmental Services; Comprehensive curbside recycling program.

ACTION:

Ballot Language Motion: Commissioner Mikulina moved to accept the staff version of the draft ballot question for Proposal 71. Commissioner Pacopac seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Ballot language passed.

Draft Reference Phrase Motion: Commissioner Mikulina moved to accept the staff version of the draft reference phrase for Proposal 71. Commissioner Pacopac seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Draft Reference Phrase motion passed.

PROPOSAL 91 - Property Taxes and New Fund; Set aside one-half percent (1/2%) of real property tax revenues for land and natural resources protection and one-half percent (1/2%) of real property tax revenues for affordable housing.

Executive Administrator Narikiyo noted to the Committee at their July 19, 2006 meeting the Committee adopted changes recommended by Corporation Counsel.

Deputy Corporation Counsel Spurlin stated given the revisions at the last meeting the ballot question need to be revised to accurately reflect the two different funds.

Chair Kawashima stated this would be another proposal that needs to be deferred to the next meeting. Commissioner Pacopac stated they would need to add in the other fund as stated by Deputy Corporation Counsel Spurlin stated.

Commissioner Mikulina commented they should go with the short version and doesn't feel they need to explain the details but his preference is to make it short and sweet.

ACTION:

Ballot Language Motion: Commissioner Mikulina moved to accept the staff version two for Proposal 91. Executive Administrator Narikiyo added he would need to change the word "fund" to "funds". Commissioner Mikulina changed his motion to reflect the suggested change by Executive Administrator Narikiyo to say, "Should one percent of annual property tax revenues be appropriated to funds for land conservation and affordable housing?" There was no second to that motion.

Chair Kawashima stated Proposal 91 would be deferred.

***BALLOT LANGUAGE DEFERRED**

PROPOSAL S-9 - Department of Transportation Services - Revise Powers, Duties and Functions; Promote pedestrian- and bicycle-friendly city

Executive Administrator Narikiyo noted the Committee voted at their July 19, 2006 meeting to change the language for "a priority" to "one of the priorities".

ACTION:

Ballot Language Motion: Commissioner Pacopac moved to accept the draft ballot question as proposed by staff for Proposal S-9 with a change to the language, from "a priority" to "one of the priorities", reflecting their actions at the July 19, 2006 meeting. Commissioner Mikulina seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Ballot language passed.

Draft Reference Phrase Motion: Commissioner Mikulina moved that the draft reference phrase for Proposal S-9 to read, "Pedestrian-and bicycle-friendly Honolulu; Bikeways". Commissioner Takaki seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Draft Reference Phrase motion passed.

❖ **HOUSEKEEPING COMBINATION (Proposals 35, 51, 75, 76, 78, S-6 and S-10)**

- ❖ **PROPOSAL 35** - Department of Information Technology; Revise the Powers, Duties and Functions of the Director.
- ❖ **PROPOSAL 51** - Department of Customer Services; Include the Director of Customer Services as a department head who must be nominated by the Mayor, with the advice and consent of the Council, and may be removed by the Mayor.
- ❖ **PROPOSAL 75** – Ethics Commission; Include the prohibition against Ethics Commissioners taking an active part in political management or political campaigns set forth in the Hawaii Constitution Article XIV.
- ❖ **PROPOSAL 76** – Police; Delete prohibition of political activities by police department employees.
- ❖ **PROPOSAL 78** – Civil Defense Agency; Delete the reference to Civil Defense Agency in "Appointment, Confirmation and Removal of Officers and Employees".
- ❖ **PROPOSAL S-6** - Petitions; Delete requirement of Social Security numbers on petitions.
- ❖ **PROPOSAL S-10** - Public notices; Distribution of public notices via a widely accessible electronic medium.

ACTION:

Ballot Language Motion: Commissioner Mikulina moved to accept the staff version for the ballot question of the Housekeeping Amendments. Commissioner Pacopac seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Ballot language passed.

Draft Reference Phrase Motion: Commissioner Mikulina moved to approve the draft reference phrase for the Housekeeping Amendments. Commissioner Pacopac seconded that motion. No discussion followed.

AYES: KAWASHIMA, TAKAKI, MIKULINA, PACOPAC - 4
NOES: NONE
EXCUSED: COFFEE, LENDIO, TOM - 3

Draft Reference Phrase motion passed.

Chair Kawashima asked to take a recess. Commissioner Takaki moved to recess. Commissioner Pacopac seconded that motion.

***RECESS – 5:09p.m.

***RECONVENE – 5:18p.m.

6. Order of Questions on the Ballot

The following individuals testified:

1. Tom Heinrich

Tom Heinrich testified he thinks the intent of the motion needs to be clear in the motion and spoke in support of the intent. He thinks the motion needs to be reworded to be clear and suggest that ballot questions reflect the order of the sections as amended or to be inserted. He went on to say as indicated where their numerical placements would be placed in the same sequence on the ballot, as they would appear in the charter if adopted. Chair Kawashima clarified that would be ballot questions reflect the order of the question as amended or inserted? Mr. Heinrich clarified the proposals as amended or inserted. Executive Administrator Narikiyo stated so that the record is clear they should read the Proposals in the order that's being proposed.

Chair Kawashima asked Corporation Counsel if they had any comments of the order of the ballot questions in the order of the charter? Deputy Corporation Counsel Spurlin clarified Mr. Heinrich's proposal is to list the ballot question in the order that they are listed in the charter and any new proposals whatever that would be assigned to it? Chair Kawashima responded in the affirmative. Deputy Corporation Counsel Spurlin responded she does not have any objections. Executive Administrator Narikiyo stated staff put together a list (**Attachment #2**) that puts the proposals in the order they appear in the Charter generally speaking because many of the proposals affect more than one provision of the Charter and tried to go with the primary affected section or added section. He goes on to say they offer it as a starting point.

Deputy Corporation Counsel Spurlin commented she doesn't believe it is a legal issue, but if the Committee want to consider, they have the option of putting the more controversial one in the beginning and depends on how they want to present the ballot question to the voters. She stated with the understanding of what the City Clerk's office said that sometimes voters

don't look at the ones at the end and the only vote on the ones that are in the front and feels they consider those issues as well.

Commissioner Takaki stated he created his own list based upon previous testimonies, which, said that, the amount of people voting increases with the number of questions, however the percentage of proposals that pass or fail does not change. He stated the ones he felt received more interest are at the top of his list (**Attachment #3**) in hopes that more people would vote on them not because it affected the percentage of those which passed or don't pass. He went on to say if they cannot come to an agreement on a more subjective way of looking at proposals as he did then he would default to the order of the Charter as well.

ACTION:

Commissioner Mikulina moved to accept Commissioner Takaki's order of ballot questions. Commissioner Takaki seconded that motion. Discussion followed.

Chair Kawashima stated he prefers as they appear in the Charter because he feels it's a more objective way of giving it to the voters. He goes on to say his recollection of voter fatigue was after 10 or 12 questions and they are still within that range. He commented he doesn't see voter fatigue as an issue and feels it would be a more defensible if they went with the objective order. Commissioner Pacopac agrees with Chair Kawashima as a lot of proposals are controversial and feels the objective way would be to do it in order of the charter that way no one has a hand on what goes on first for the ballot.

Executive Administrator Narikiyo added Commissioner Lendio asked that he pass on her preference for order of the Charter as well.

Commissioner Mikulina commented he strongly thinks they should put the most exciting proposals first. He goes on to say the average person on the street has no clue what order things are in the Charter. He stated the issues that brought people out pro and con, they want people to look at the ballot, take it seriously and vote on them. He suggested to put the most exciting that would gain public interest in the beginning and not bury them among the list that are of interest to a very small group of the populace. Commissioner Takaki stated that was his thought process as well but if the Committee is going to be in a deadlock, he would be willing to default to the order of the Charter. He went on to say his thought was maybe they should move some things up because of the voter interest.

AYES: TAKAKI, MIKULINA - 2
NOES: KAWASHIMA, PACOPAC - 2
EXCUSED: COFFEE, LENDIO, TOM - 3

Motion did NOT pass.

Chair Kawashima stated this agenda item would be deferred to the next Committee on Style meeting.

Executive Administrator Narikiyo recapped that the Committee did not take any action on the ballot questions and reference phrase for Proposals 28, 33, 36, 55 or 91. The Committee also did not resolve the order of the Ballot. Executive Administrator Narikiyo stated the Committee would need to decide what they would do about these items. Chair Kawashima stated Corporation Counsel would like to revisit Proposal 1 and asked if they need to keep the rest of the proposals open. Deputy Corporation Counsel Spurlin responded they voted on the other proposals. Executive Administrator Narikiyo clarified the Committee voted on Proposal 1. Deputy Corporation Counsel Spurlin recommended that the Committee puts Proposal 1 on the agenda with the understanding they asked Corporation Counsel to further review as there may be some legal issues. Chair Kawashima clarified they would not need to leave the remaining proposals open. Deputy Corporation Counsel Spurlin responded yes. Commissioner Takaki asked Corporation Counsel if they recommend the Committee on Style recess or adjourn and call another meeting? Executive Administrator Narikiyo stated the Committee could adjourn and put a notice for a further meeting with an adjusted agenda. He didn't think the Committee would be reconvening within 6 days.

7. Announcements

NONE

8. Next Meeting

Next meeting to be determined. Executive Administrator Narikiyo stated staff would contact Committee members for the availability and would get back to the Committee.

9. Adjournment

Commissioner Pacopac moved to adjourn. Commissioner Takaki seconded that motion. Meeting adjourned at 5:30 p.m.

DRAFT 7/27/06

ATTACHMENT B
STYLE COMMITTEE MEETING 7-19-06

DRAFT BALLOT LANGUAGE

The following draft language is provided below for each proposal:

- **Ballot Question** – Drafted here in the form of “Should....?”
- **Ballot Phrase** – In 1992, the ballot questions were actually in the form of phrases, not questions. Clerk’s office confirmed that we could use phrases instead of questions – it is up to the Commission to decide.
- **Reference Phrase** – Clerk’s office also suggested we draft a very short phrase describing each proposal. This could be used on the website or other materials, and the Clerk’s office would use it when printing out the vote count reports.

The following draft was prepared by staff as a starting point for discussion at the July 19, 2006 meeting of the Committee on Style.

PROPOSAL 1

Draft Ballot Question

Should the City Council’s power to reject Salary Commission recommendations be eliminated?

Draft Ballot Phrase

Eliminate City Council power to reject Salary Commission recommendations

Draft Reference Phrase

No Council rejection of Salary Commission

Draft Ballot Question – Version 2

Should the Salary Commission establish salaries without possibility of City Council veto?

Draft Ballot Phrase – Version 2

Make Salary Commission decisions final, without Council veto possibility

Draft Reference Phrase – Version 2

Salary Commission final decision

PROPOSAL 5

Draft Ballot Question

Should races with only two candidates be held in the General Election instead of the Primary Election?

Draft Ballot Phrase

Hold races with only two candidates in General Election

Draft Reference Phrase

Races with two candidates in General Election

PROPOSAL 27

Draft Ballot Question

Should the Liquor Control Administrator and Deputy Administrator be exempt from civil service provisions?

Draft Ballot Phrase

Exempt Liquor Control Administrator and Deputy Administrator from civil service

Draft Ballot Question – Version 2

Should the Liquor Control Administrator and Deputy Administrator be exempt from civil service provisions, and should the Liquor Commission appoint and set the salary of the Administrator?

Draft Ballot Phrase – Version 2

Exempt Liquor Control Administrator and Deputy Administrator from civil service and grant Liquor Commission authority to appoint and set salary of the Administrator

Draft Reference Phrase

Liquor Administrator exempt from civil service

PROPOSAL 28

Draft Ballot Question

Should the Ethics Commission have the authority to impose civil fines for ethics violations by elected officials?

Draft Ballot Phrase

Grant Ethics Commission authority to impose civil fines for ethics violations by elected officials

Draft Reference Phrase

Civil fines for ethics violations

Draft Ballot Question – Version 2 (“standards of conduct” instead of “ethics”)

Should the Ethics Commission have the authority to impose civil fines for violations of the standards of conduct by elected officials?

Draft Ballot Phrase – Version 2

Grant Ethics Commission authority to impose civil fines for violations of standards of conduct by elected officials

Draft Reference Phrase – Version 2

Civil fines for standards of conduct violations

PROPOSAL 33

Draft Ballot Question

Should the description of the powers, duties, and functions of the director of emergency services be revised?

Draft Ballot Phrase

Revise description of the powers, duties, and functions of the director of emergency services

Draft Reference Phrase

Emergency Services director description

Notes:

Add more detail with specifics on how it is revised?

Will this proposal be combined with Proposal 36?

PROPOSAL 34

Draft Ballot Question

Should capital budget appropriations lapse 12 months after the fiscal year, instead of the current 6 months?

Draft Ballot Phrase

Extend time for capital budget appropriations to lapse, from 6 months after the fiscal year to 12 months

Draft Reference Phrase

Extend time for capital funds

PROPOSAL 36

Draft Ballot Question

Should the description of the powers, duties, and functions of the Fire Chief be revised?

Draft Ballot Phrase

Revise description of the powers, duties, and functions of the Fire Chief

Draft Reference Phrase

Fire Chief description

Notes:

Add more detail with specifics on how it is revised?

Will this proposal be combined with Proposal 33?

PROPOSAL 55 Part 1

Draft Ballot Question – as drafted earlier

Should the current system of staggered council terms and council term limits be replaced by either Alternative A or Alternative B below?

Draft Ballot Question – Version 2 (shorter)

Should the current system of staggered council terms and council term limits be changed?

Draft Ballot Question – Version 3 (mention current 2 term limit)

Should the current system of staggered council terms and councilmembers' two-term limit be changed?

Draft Ballot Phrase – Version 1

Replace current system of staggered council terms and council term limits with either Alternative A or Alternative B below

Draft Ballot Phrase – Version 2

Change current system of staggered terms and term limits for city council

Draft Ballot Phrase – Version 3

Change current system of staggered terms and two-term limit for city council

Draft Reference Phrase

Change staggering and term limits

PROPOSAL 55 Part 2

Draft Ballot Question – as drafted earlier

If Charter Question X is approved by the voters at this election, which of the following two alternative proposals relating to terms of councilmembers do you favor? (Vote for Alternative A or Alternative B, but not for both proposals.)

- ALTERNATIVE A. Term limits for councilmembers and the staggering of councilmembers' terms shall be eliminated. In 2008, candidates running to represent the odd-numbered council districts shall be running to serve two-year terms. In 2010, and every four years thereafter, candidates for all council seats shall be running to serve four-year terms.
- ALTERNATIVE B. Councilmembers shall be limited to serving a maximum of three consecutive four-year terms, and the staggering of councilmember terms shall be eliminated. In 2008, candidates running to represent odd-numbered council districts shall be running to serve two-year terms. In 2010 and every four years thereafter, candidates for all council seats shall be running to serve four-year terms.

Draft Ballot Question – Version 2 (shorter)

If Charter Question X is approved, which proposal relating to councilmember terms should be adopted?

- ALTERNATIVE A. Term limits for councilmembers and the staggering of councilmembers' terms shall be eliminated.
- ALTERNATIVE B. Councilmembers shall be limited to serving a maximum of three consecutive four-year terms, and the staggering of councilmember terms shall be eliminated.

Draft Ballot Phrase

(A) Eliminate councilmember term limits and staggering; or (B) Limit councilmembers to three terms and eliminate staggering

Draft Reference Phrase

Two alternatives for term limits and staggering

Note: Voting options are normally "yes" or "no". Need to ask Clerk's office if we can change that to "A" or "B"

PROPOSAL 71

Draft Ballot Question

Should the powers, duties, and functions of the director of environmental services include comprehensive curbside recycling?

Draft Ballot Phrase

Include comprehensive curbside recycling in the powers, duties, and functions of the director of environmental services

Draft Reference Phrase

Curbside recycling

PROPOSAL 91

Draft Ballot Question

Should a minimum of one percent of annual property tax revenues be put into a special Clean Water, Natural Lands and Affordable Housing Fund, with half of the funds to be used for purchasing lands to protect clean water, open space, coastlines, and natural lands; and half of the funds to be used for building and maintaining affordable housing; and should the unspent revenues in this fund remain in the fund, and not lapse, thereby accumulating from year to year?

Draft Ballot Phrase

Put a minimum of one percent of annual property tax revenues into a special Clean Water, Natural Lands and Affordable Housing Fund, with half of the funds to be used for purchasing lands to protect clean water, open space, coastlines, and natural lands; and half of the funds to be used for building and maintaining affordable housing; and the unspent revenues in this fund would remain in the fund, and not lapse, thereby accumulating from year to year

Draft Ballot Question – Version 2 (shorter)

Should one percent of annual property tax revenues be appropriated to a fund for land conservation and affordable housing?

Draft Ballot Phrase – Version 2

Put one percent of annual property tax revenues into a fund for land conservation and affordable housing

Draft Reference Phrase

Land conservation and affordable housing fund

Notes:

KAUAI 2002 Ballot Language --

“Should a minimum of one-half of one percent of county property tax revenues be placed into a Public Access, Open Space, Natural Resources Preservation Fund to be used for purchasing lands or other property entitlements to preserve open space and establish public accesses, and should unspent revenues in this fund remain in the fund, and not lapse, thereby accumulating from year to year?”

MAUI 2002 Ballot Language --

“Should a minimum of one percent (1%) of the real property tax revenues be put each fiscal year into the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to be used for purchasing lands or other property entitlements to preserve open space, and should the unspent revenues in this Fund remain in the Fund, and not lapse, thereby accumulating from year to year?”

PROPOSAL S-9

Draft Ballot Question

Should the powers, duties, and functions of the director of transportation services include bikeway systems, and should it be a priority of the department of transportation services to make Honolulu a pedestrian- and bicycle-friendly city?

Draft Ballot Phrase

Include bikeways in the duties of the director of transportation services; establish that it is a priority of the department of transportation services to make Honolulu a pedestrian- and bicycle-friendly city

Draft Reference Phrase

Bikeways; Pedestrian- and bicycle-friendly

PROPOSAL - HOUSEKEEPING COMBINATION

Proposals 35, 51, 75, 76, 78, S-6, S-10

Draft Ballot Question

Should the following housekeeping amendments be adopted?

- (a) Revise the powers, duties, and functions of the director of information technology
- (b) Include the director of customer services in the list of department heads to be appointed by the mayor with the advice and consent of the council and may be removed by the mayor
- (c) Include the Hawaii State Constitution prohibition on ethics commission members from taking active part in political campaigns
- (d) Delete the unconstitutional prohibition on political campaigning by police department employees
- (e) Delete the director of civil defense from the list of department heads to be appointed by the mayor with the advice and consent of the council and may be removed by the mayor
- (f) Delete the requirement of Social Security numbers on petitions for recall, ordinances by initiative, and charter amendments
- (g) Require public notices to be distributed via an electronic medium

Draft Ballot Phrase

Adopt housekeeping amendments:

- (a) Revise the powers, duties, and functions of the director of information technology
- (b) Include the director of customer services in the list of department heads to be appointed by the mayor with the advice and consent of the council and may be removed by the mayor
- (c) Include the Hawaii State Constitution prohibition on ethics commission members from taking active part in political campaigns
- (d) Delete the unconstitutional prohibition on political campaigning by police department employees
- (e) Delete the director of civil defense from the list of department heads to be appointed by the mayor with the advice and consent of the council and may be removed by the mayor
- (f) Delete the requirement of Social Security numbers on petitions for recall, ordinances by initiative, and charter amendments
- (g) Require public notices to be distributed via an electronic medium

Draft Reference Phrase

Housekeeping amendments

**BALLOT QUESTIONS
IN ORDER OF CHARTER**

PROPOSAL 55 Part 1 - Change staggering and term limits
Article 3 Ch 1, Article 13 Ch 1, etc.

PROPOSAL 55 Part 2 - Two alternatives for term limits and staggering
Article 3 Ch 1, Article 13 Ch 1, etc.

PROPOSAL 1 - Salary Commission final decision
Article 3 Ch 1

PROPOSAL 27 - Exempt Liquor Control Administrator and Deputy Administrator from civil service
Article 6 Ch 2, Article 6 Ch 11, etc.

PROPOSAL 33 - Emergency Services director description
Article 6 Ch 6

PROPOSAL 71 - Curbside recycling
Article 6 Ch 8

PROPOSAL 36 - Fire Chief description
Article 6 Ch 10

PROPOSAL S-9 - Bikeways; Pedestrian- and bicycle-friendly
Article 6 Ch 17

PROPOSAL 34 - Extend time for capital funds
Article 9 Ch 1

PROPOSAL 91 - Land conservation and affordable housing fund
Article 9 Ch 2

PROPOSAL 28 - Civil fines for ethics violations
Article 11 Ch 1

PROPOSAL 5 - Races with two candidates in General Election
Article 13 Ch 1

HOUSEKEEPING COMBINATION

**ORDER OF BALLOT QUESTIONS
Proposed by Commission Chair Donn Takaki
For Style Committee 7/25/06**

- (1)
PROPOSAL 55 Part 1 - Change staggering and term limits
- (2)
PROPOSAL 55 Part 2 - Two alternatives for term limits and staggering
- (3)
PROPOSAL 91 - Land conservation and affordable housing fund
- (4)
PROPOSAL 71 - Curbside recycling
- (5)
PROPOSAL 28 - Civil fines for ethics violations
- (6)
PROPOSAL 5 - Races with two candidates in General Election
- (7)
PROPOSAL 1 - Salary Commission final decision
- (8)
PROPOSAL S-9 - Bikeways; Pedestrian- and bicycle-friendly
- (9)
PROPOSAL 27 - Exempt Liquor Control Administrator and Deputy Administrator from civil service
- (10) Combined:
PROPOSAL 33 - Emergency Services director description
PROPOSAL 36 - Fire Chief description
- (11)
PROPOSAL 34 - Extend time for capital funds
- (12)
HOUSEKEEPING COMBINATION